IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

WP(C).No. 20490 of 2003(L)

PETITIONER:

A.I.DARLEY,
NEEDLE WORK TEACHER, DEVI SAHAYAM SCHOOL,
PAZHUNNANA, CHEMMANTHALA, KUNNAMKULAM (VIA),
TRICHUR DISTRICT.

BY ADV. SRI.GOVIND K.BHARATHAN
SRI.MANU MOHAN

RESPONDENTS:
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1. **THE STATE OF KERALA,**
   REPRESENTED BY THE SECRETARY, EDUCATION DEPARTMENT
   THIRUVANANTHAPURAM.

2. **THE DIRECTOR OF PUBLIC INSTRUCTION,**
   THIRUVANANTHAPURAM.

3. **THE DISTRICT EDUCATIONAL OFFICER,**
   CHAVAKKAD.

4. **THE ASSISTANT EDUCATIONAL OFFICER,**
   KUNNAMKULAM.

5. **THE MANAGER,**
   DEVI SAHAYAM SCHOOL, PAZHUNNANA, CHEMMANTHALA,
   KUNNAMKULAM (VIA), TRICHUR DISTRICT.

6. **P.T.CLARA,**
   HEADMISTRESS, D.S.S. LOWER PRIMARY SCHOOL,
   PAZHUNNANA, (P.O) CHEMMANTHALA,KUNNAMKULAM (VIA),
   THRISSUR.

BY GOVERNMENT PLEADER SRI. THOMAS JOHN AMBOOKEN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON IA NOS. 7290/2003 AND 987/2004 IN WPC NO. 20490/2003 L.

DISMISSED

15/06/2007. **SD/- KURIAN JOSEPH, JUDGE.**

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE PETITION UNDER CHAPTER I RULE 3 OF THE KER DATED NIL.

EXT.P2. COPY OF THE ORDER BY THE R1 DT. 19/5/94.

EXT.P3. COPY OF THE ORDER DT. 6/10/93 BY THE R1.

EXT.P4. COPY OF THE JUDGMENT DT. 23/11/00 IN OP NO./ 976/95 BY THIS COURT.

EXT.P5. COPY OF THE JUDGMENT DT. 11/1/02 IN WA NO. 1774/2001 BY THIS COURT.

EXT.P6. COPY OF THE LETTER DT. 15/1/2001 BY THE R5.

EXT.P7. COPY OF THE ORDER DT. 26/09/2001 BY THE R4.

EXT.P8. COPY OF THE LETTER DT. 10/10/2001.

EXT.P9. COPY OF THE LETTER DT. 15/1/2002.

EXT.P1O. COPY OF THE LETTER DT. 31/1/2002.

EXT.P11. COPY OF THE STAFF FIXATION ORDER DT. 10/07/2002.

EXT.P12. COPY OF THE REPRESENTATION ALONGWITH ANNEXURE-C STATEMENT OF ACCOUNTS.

True copy

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KURIAN JOSEPH, J.

W.P. (C). NO. 20490 OF 2003

Dated this the 15th day of June, 2007.

J U D G M E N T

Petitioner is aggrieved since she is not paid salary and other benefits flowing out of Exhibits P4 and P5 judgment whereby this Court declared that the petitioner is entitled to regularization with effect from 01.04.1985. It is seen that the State had pursued the matter against the judgment of the learned single Judge in Ext. P4 leading to Exhibit P5 judgment of the Division Bench. The Division Bench also made it clear that the writ petitioner will be paid arrears within a period of three months. That judgment is dated 11.01.2002.

2. It is unfortunate that the petitioner is not paid the salary. The service also has not been regularized. There is no counter affidavit. In the above circumstances, this writ petition is disposed of as follows.

3. There will be a direction to the respondents 1 to 4 to regularize the service of the petitioner with effect from 01.04.1985 as directed in Exhibit P4 and confirmed in Ext. P5. Her pay shall be appropriately fixed and the entire arrears due to

her shall be paid within a period of one month from today. If not, the petitioner will be entitled to interest at the rate of 12% from the date of expiry of three months as stated in Ext. P5 judgment and the officers responsible for the delay shall also be personally responsible for the same.

One prayer is for costs. This is a fit case where the petitioner should be granted costs. Despite two judgments of this Court, the petitioner has not been granted arrears of salary. Accordingly, this writ petition is allowed also in terms of the costs to the tune of Rs. 5,000/- (Rupees Five thousand only) which also shall be paid within a period of one month from today.

This writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

smp